**PURCHASE OF EQUIPMENT, MATERIALS AND SUPPLIES**6000

All purchases of equipment, materials and supplies will be made in accordance with all applicable laws and regulations, including Chapter 143 Article 8 of the North Carolina General Statutes, Board policy and any purchasing regulations and procedures. All employees involved in purchasing are expected to be familiar with these requirements.

The Superintendent, or his designee, will ensure that written specifications for desired products are descriptive, clear and incorporate the quality requirements and service needs of the Board. While there is no minimum number of bids, proposals or quotes required for the purchase of apparatus, goods, supplies and equipment, whether formally or informally bid, the Superintendent is encouraged to obtain at least two quotes when feasible.

Except as otherwise required by law, the Board delegates to the Superintendent the authority to award contracts for the purchase of equipment, material and supplies in an amount up to $50,000, as long as the purchase is within the remaining funds in the allocated budget for the current fiscal year. The Superintendent may seek Board approval for certain expenditures. The purchasing officer and any additional staff deemed appropriate by the Superintendent will review submissions of bids, proposals or quotes to determine if they are responsive to the district’s specifications, and will make recommendations to the Superintendent. The Superintendent will award the contract based upon such recommendations or will make a recommendation to the Board for award of the contract by the Board in accordance with this policy.

Equipment, materials and supplies must be purchased in accordance with the following requirements. Purchases shall not be divided for the purpose of evading any of the requirements of this policy, state law or any regulations adopted by the superintendent for the implementation of this policy.

**A. FORMAL BIDDING**

The purchase of apparatus, supplies, materials or equipment for expenditures of $90,000 or more must be secured through the competitive bid process governed by G.S. 143-129.

The Superintendent, in consultation with the purchasing officer, is authorized by the Board to determine the best method for formally bidding a product or, as appropriate, utilizing one of the exceptions to formal bidding as provided below. The purchasing officer will oversee the use of any purchasing method and will ensure that all statutory requirements are met, including advertisement, sealed bids, maintaining records and public opening of bids. The Board authorizes the use of newspaper advertisement, electronic advertisement or both for formal bids; however, the Superintendent has the authority to determine which method will be used for a specific purchase or categories of purchases.

Awards will be made to the lowest responsible bidder(s) whose bid/proposal meets the requirements and criteria set forth by the Board, taking into consideration quality, performance and the time specified in the proposal for the performance of the contract. All contracts awarded must be in writing.

The Board permits the use of the following processes for contracts that require formal bidding.

1. *Competitive Sealed Bids* – A competitive sealed bid (or invitation to bid) may be used to request the cost of particular goods by providing detailed specifications in advance.

2. *Reverse Auction -* Pursuant to G.S. 143-129.9(a)(1), the Board may use reverse auctions as an alternative to sealed bid procedures. For purposes of this policy, reverse auction means a real-time purchasing process in which bidders compete to provide goods at the lowest selling price in an open and interactive environment. The Superintendent, in consultation with the purchasing officer, will determine whether reverse auctions are appropriate for a specific purchase or category of purchases. To conduct a reverse auction, the purchasing officer may use a third party, may use the state’s electronic procurement system or, if appropriate equipment is available, may conduct the auction via school district equipment.

3. *Exceptions to Formal Bids* – Any of the processes outlined below can be used in lieu of formal bidding, as long as all requirements of state law are met.

**B. INFORMAL BIDDING**

The purchase of apparatus, supplies, materials or equipment for expenditures of $5,000 to $90,000 must be secured through the informal bidding process governed by G.S. 143-131.

The Superintendent, in consultation with the purchasing officer, is authorized by the Board to determine the best method for informally bidding a product. The purchasing officer will oversee the use of any purchasing method and will ensure that all state requirements are met, including maintaining records of all bids submitted. Awards will be made to the lowest responsible bidder(s) whose bid or proposal meets the requirements and criteria set forth by the school district, taking into consideration quality, performance and the time specified in the proposal for the performance of the contract.

1. *Competitive Sealed Bids* – Informal bid requirements may be met by the use of sealed bids. The purchasing officer may determine appropriate methods for soliciting sealed bids. The bid specifications will include the time, date and place for opening bids. No advertisement for bids is necessary (unless the formal bid process is used); however, the purchasing officer may advertise for bids as he/she deems appropriate.

2. *Quotations* – Informal bid requirements may be met by the solicitation of quotes from prospective vendors. Quotations may be solicited and submitted via fax, email, telephone, or the E-Quote service of the NC E-Procurement System. Telephone quotes must be placed in writing before a final contract will be awarded. Written quotations must be on the vendor’s letterhead or an official quotation form, and must include an authorized signature.

3. *Reverse Auction* – A reverse auction may be used to solicit informal bids, consistent with the process provided in formal bidding section.

4. *Exceptions to Informal Bids* – Any of the processes outlined below as exceptions may be used in lieu of informal bidding, as long as all requirements of state law are met.

**C. PURCHASES BELOW THE INFORMAL BIDDING RANGE**

Purchases for equipment, materials and supplies costing less than $5,000 will be awarded under conditions which foster competition among vendors. Purchase decisions should be made after considering price, quality, suitability for specified need and timeliness of delivery and performance. Two written quotes should be received for each purchase when feasible. Relevant state and school system contracts should be reviewed in assessing whether the Board is receiving the best value. The Board reserves the right not to enter into a contract with any supplier or contractor when performance on any previous contract has been found to be unsatisfactory by the Superintendent or the Board.

**D. ELECTRONIC BIDDING**

Pursuant to G.S. 143-129.9(a)(2), the school system may receive bids electronically in addition to or instead of paper bids. If electronic bids are used for purchases that must be formally bid, procedures for receipt of electronic bids must be designed to ensure the security, authenticity and confidentiality of the bids to at least the same extent as provided with paper bids. The Superintendent, in consultation with the purchasing officer, will determine whether electronic bidding is appropriate for a specific purchase or category of purchases.

**E. EXCEPTION TO FORMAL AND INFORMAL BIDDING REQUIREMENTS**

The school system may utilize the following purchasing options instead of pursuing competitive bidding. Formal or informal bidding is not required if any of these processes are used. The purchasing officer is responsible for gathering information to document the basis for the use of any exceptions to the competitive bidding requirements. The Superintendent, in consultation with the purchasing officer, will determine whether using one of the following exceptions is appropriate for a specific purchase or group of purchases.

1. *Purchases from Other Governmental Agencies* – Pursuant to G.S. 143-129(e)(1), the school district may contract for the purchase, lease or other acquisition of apparatus, supplies, materials, or equipment from any other federal, state or local governmental agency.

2. *Special Emergencies* – Pursuant to G.S. 143-129(e)(2), competitive bidding is not required in cases of special emergencies involving the health and safety of people or their property. For an emergency to exist under the statute, the following factors must exist: (1) the emergency must be present, immediate and existing; (2) the harm cannot be averted through temporary measures; and (3) the emergency must not be self-created by the Board.

3. *Competitive Group Purchasing* – Pursuant to G.S. 143-129(e)(3), the school system may make purchases through a competitive bidding group purchasing program, through which another entity uses a competitive process to establish contracts on behalf of multiple entities at discount prices.

4. *State Term Contract* – Pursuant to G.S. 143-129(e)(9), the school system may purchase products included in state term contracts with the state vendor for the price stipulated in the state contract, if the vendor is willing to extend the school system the same or more favorable prices, terms and conditions as established in the state contract.

5. *Sole Source Items* – Pursuant to G.S. 143-129(e)(6), upon approval of the Board, the school system may purchase an item through a single/sole source contract under the following circumstances: (1) when performance or price competition is not available; (2) when a needed product is available from only one source of supply; or (3) when standardization or compatibility is the overriding consideration. When requesting a purchase under the sole source exception, the purchasing officer will provide the Board with documentation that justifies the use of the exception.

6. *“Piggybacking” or Previously Bid Contracts* – Pursuant to G.S. 143-129(g), upon approval of the Board, the school system may purchase from any supplier that, within the previous 12 months, has contracted to furnish the needed item to the federal government, to any state government, or to any agency or political subdivision of the federal government or any state government. Before recommending a purchase using the piggybacking exception, the purchasing officer will ensure that the following requirements are met: (1) the price and other terms and conditions of the contract are at least as favorable as the prior contract; (2) the contract was entered into following a public, formal bid process substantially similar to that required by North Carolina General Statutes; (3) the same vendor is used; and (4) notice of intent to award the contract without bidding is publicly advertised at least 10 days prior to the regularly-scheduled Board meeting at which the contract will be approved. Before approving the contract, the Board must determine that using the contract is in the best interest of the school system.

7. *Purchases of Information Technology Goods and Services* – Pursuant to G.S. 143-129(e)(7), the school system may purchase or lease information technology through contracts established by the State Office of Information Technology Services. The purchasing officer will work with the information technology department to ensure that any such purchases meet the needs of the school system.

In addition, the school system also may purchase information technology goods and services by using a request for proposal (RFP) pursuant to G.S. 143-129.8, provided that the following requirements are met: (1) notice of the request is provided consistent with the formal bidding notice requirements and (2) contracts are awarded to the person or entity that submits the best overall proposal as determined by the purchasing officer and Superintendent. The RFP should describe the scope of work, general terms and conditions, specifications of the product needed by the school system, and the application process. RFPs will be evaluated using the “best value” method as defined in G.S. 143-135.9(a)(1), so that the school system can select the most appropriate technological solution to meet the Board’s objectives. However, in situations where the purchasing officer considers the purchase to be highly complex or is unable to clearly determine what the optimal solution for the school system is, the “solution-based solicitation” or “government-vendor partnership” method may be used. The purchasing officer may negotiate with the proposer to obtain a final contract that meets the best needs of the school system, as long as the alterations based on such negotiations do not deprive proposers or potential proposers of the opportunity to compete for the contract and do not result in the award of the contract to a different person or entity than it would have been if the alterations had been included in the RFP.

8. *Gasoline, Fuel and Oil Purchases* – Pursuant to G.S. 143-129(e)(5), the school system may purchase gasoline, fuel and oil products without using formal competitive bidding. However, such purchases are subject to the informal bidding requirements provided above.

9. *Used Products* – Pursuant to G.S. 143-129(e)(10), the school system may purchase previously used apparatus, supplies, materials or equipment without using formal competitive bidding.

10. *Instructional Materials* – Pursuant to G.S. 115C-522(a), the formal or informal requirements shall not be required for the purchase of published books, manuscripts, maps, pamphlets, and periodicals.

**F. E-PROCUREMENT REQUIREMENTS**

Where appropriate, the Board will use the North Carolina Electronic Procurement (“e-procurement”) system to facilitate the electronic purchase of goods and services.

**G. LEASE PURCHASE CONTRACTS AND OTHER CONTRACTS FINANCED OVER TIME**

Lease purchase contracts, contracts that include options to purchase, and leases for the life of equipment all must be bid consistent with the requirements of G.S. 143-129 and 143-131. The purchasing officer will ensure that such contracts meet the legal requirements of G.S. 115C-528 and the provisions of Board policy.

**H. USE OF SCHOOL SYSTEM TERM CONTRACTS**

The school system may create and use term contracts for items that are routinely purchased by the school system. If the estimated expenditure for a routine item under the term contract exceeds $90,000, the contract must be formally bid. If the estimated expenditure is between $5,000 and $90,000, the contract must be informally bid. The purchasing officer may incorporate the use of a term contract in the bidding specifications. If term contracts are used, the contracts will be created and/or reviewed by the Board attorney, in consultation with the purchasing officer.

**I. HISTORICALLY UNDERUTILIZED BUSINESSES**

The Board affirms the state’s commitment to encourage the participation of historically underutilized businesses in purchasing functions. The Board will comply with all legal requirements and policy standards.

LEGAL REF: G.S. 115C-522; 143, article 8; 143-129, -129.9, -131, -135.9

ADOPTED: February 7, 2005

**PURCHASE ORDERS AND CONTRACTS**  6010

All purchases of goods, services, and equipment for which the school system will be responsible for payment shall be made on official purchase orders, properly approved and executed. Unauthorized purchase contracts are illegal and may be the personal responsibility of the individual(s) establishing the contract. Creditors shall be on notice that purchase contracts made without proper authorization by designated school system officials shall not be honored.

LEGAL REF: G.S. 115C-47, -440, -441

ADOPTED: February 7, 2005

**VENDOR RELATIONS**  6020

In all procurement activities, employees and agents of the Board shall:

A. Consider first the interests of the school system and the improvement of its educational program;

B. Endeavor to obtain the greatest value for every dollar spent;

C. Give all responsible bidders equal consideration and assurance of unbiased judgment in determining whether their products meet specifications and the educational needs of the school system;

D. Discourage the offer of and decline personal gifts of more than nominal value from vendors or potential vendors;

E. Refrain from soliciting funds or material from vendors for personal purposes, however worthy the purpose; and

No employee of the Board shall have any pecuniary interest, either directly or indirectly, proximately or remotely in supplying any goods, wares or merchandise of any nature or kind whatsoever for any school, or act as an agent for any manufacturer, merchant, dealer, publisher or author for any article of merchandise to be used by any school as required by state statute.

LEGAL REF: G.S. 115C-47, -522; 143-128 to -135; 143-53

ADOPTED: February 7, 2005

**SPECIFICATIONS** 6030

The Superintendent or designee shall have the authority to review, modify, and approve bid specifications. To provide a common basis for bidding, specifications should designate the essential characteristics of the items or services being purchased.

The quality standards for goods and services shall be established by the Superintendent or designee based on input from teachers, principals, and administrators of the respective areas. The basic criteria in determining quality shall be the intended purpose for the material or equipment, the results to be obtained, and the required characteristics. Additional factors are availability, standardization of product, manufacturer practices, and standardization of packaging for the desired material.

Specifications shall not be prepared in such a manner as to eliminate competitive bidding. All architects, engineers, designers, or draftsmen, when directly or indirectly providing design services or writing specifications for school system projects, shall strictly adhere to the requirements of G.S. 133-3.

LEGAL REF: G.S. 115C-521, -522, -524; 133-3; 143-48 to 63.1, -129, -131

ADOPTED: February 7, 2005

**BIDDING FOR CONSTRUCTION OR REPAIR WORK**  6040

**A. INFORMAL**

Informal bids shall be obtained for construction and repair contracts between $5,000 and $500,000. Quotations from contractors may be solicited by telephone or written quotes. Informal bids are recommended, but not required, for construction and repair work costing less than $5,000. Contracts involving expenditures exceeding $50,000 must receive prior approval from the Board. See Board Policy 6000, *Purchase of Equipment, Materials, and Supplies* for procedures governing expenditures less than $50,000.

All contracts for construction or repair work costing less than $500,000 shall comply with the requirements of state law. Dividing contracts to evade the informal bidding requirements is prohibited.

The standards for awarding informal contracts are the same as those standards for formal ones. Such contracts shall be awarded to the lowest responsible bidder, considering quality and the time specified in the bids for performance on the contract.

Records of all informal bids shall be kept by the initiator of the purchase requisition for the time required by statute or regulation and shall be available to public inspection. Such records should include the date the bid is received, from whom it is received, and for what project. If an award is made to other than the low bidder, the reasons for such an award should be thoroughly documented.

**B. FORMAL**

Construction and repair work requiring the estimated expenditure in excess of $500,000 shall be bid using formal bidding procedures in accordance with state law. Dividing contracts to evade these requirements is prohibited.

All construction or repair contracts which require public advertising and competitive bidding shall be awarded by action of the Board upon the recommendation of the Superintendent or his/her designee.

**C. REGULATIONS**

The Superintendent shall develop regulations and procedures for the implementation of this policy.

LEGAL REF: G.S. 115C-521, -524; 143-128 to -135

ADOPTED: February 7, 2005

**MINORITY BUSINESS ENTERPRISE PARTICIPATION IN CONSTRUCTION**

**AND PURCHASE CONTRACTS POLICY** 6050

It is the policy of the Edenton-Chowan Board of Education to provide minorities equal opportunity to participate in all aspects of the school system’s contracting and purchasing programs, including but not limited to participation in procurement contracts for materials, supplies and equipment, and contracts for the construction, renovation or repair of school facilities and equipment.

It is further the policy of the Board to prohibit discrimination against any person or business enterprise on the basis of race, color, ethnic origin, sex, handicapping condition, or religion and to conduct its contracting and purchasing programs so as to prevent such discrimination.

It is the policy of the Board in concert with other local, state and federal agencies and with the assistance of minority groups and agencies, actively to seek and identify qualified minority business enterprises (MBEs) and to offer them the opportunity to participate, and to encourage them to participate, in the school system’s contracting and purchasing programs. Under this policy, the Board adopts the definition of MBEs contained in N.C. Gen. Stat. § 143-128.2 and 128.4.

It is not the policy of this Board to provide information or other opportunities to minority business enterprises that will not be available to all other business enterprises. It is the intent of this policy to establish procedures designed to assure MBEs access to information and opportunities available to other business enterprises.

It is not the intent of this policy to establish procedures that will increase the cost of the school system’s construction and purchasing programs. It is the intent of this policy to widen opportunities for participation, to increase competition, and to reduce costs.

The Board will award public building contracts without regard to race, religion, color, creed, national origin, sex, age, or handicapping condition, as defined in N.C. Gen. Stat. § 168A-3. The Board will award contracts to the lowest responsible, responsive bid.

1. Construction or Repair Projects Where the Project Cost is Equal to or in Excess of Three

Hundred Thousand Dollars ($300,000).

The Board shall have a verifiable goal of ten percent (10%) for participation by minority businesses in building construction and repair projects covered by this section. These projects shall be bid strictly in accordance with N.C. Gen. Stat. § 143-128 and -129. The school system shall require bidders on school construction and renovation projects to provide documentation demonstrating that they have met the verifiable goal for participation by minority business or that they have made good faith efforts to do so as specified in the accompanying regulations and in N.C. Gen. Stat. § 143-128.2. Data generated pursuant to this section shall be reported to the Department of Administration, Office of Historically Underutilized Business, as required by N.C. Gen. Stat. § 143-128.3(a).

B. Construction or Repair Projects Using State Appropriations or Other State Grant Funds Where the Project Cost is Equal to or Greater than One Hundred Thousand Dollars ($100,000).

The Board shall use the State’s verifiable goal of ten percent (10%) for participation by minority business in building construction and repair projects covered by this section.

C. Purchase of Equipment and Materials Through State Purchase and Contract.

The school system shall continue to follow State Division of Purchase and Contract’s guidelines for MBE participation and reporting procedures.

D. When the Board may Let Contracts on Informal Bids Greater than $5,000 But Less than Three Hundred Thousand Dollars ($300,000).

The school system shall solicit minority participation in the contracts for the erection, construction, alteration or repair of any building covered by this section. The school system shall maintain a record of contractors solicited and shall document efforts to recruit minority business participation in those contracts. Nothing in this section shall be construed to require formal advertisement of bids. The data generated pursuant to this section shall be reported to the Department of Administration, Office for Historically Underutilized Business, as required by N.C. Gen. Stat. § 143-131(b).

E. Regulations and Procedures.

The Superintendent shall develop regulations and procedures for implementation of this policy.

LEGAL REF: N.C. Gen. Stat. § 115C-522, 143-48 to -63.1, and 143-128, 128.2 and -129

ADOPTED: February 7, 2005

**REGULATIONS AND PROCEDURES FOR IMPLEMENTING MINORITY BUSINESS**

**ENTERPRISE PARTICIPATION POLICY – REGULATIONS** 6050-R

I. Definitions.

A. Minority Business (MBE) - A business:

1. In which at least fifty-one percent (51%) is owned by one or more minority persons or socially and economically disadvantaged individuals, or in the case of a corporation, in which at least fifty-one percent (51%) of the stock is owned by one or more minority persons or socially and economically disadvantaged individuals, and

2. Of which the management and daily business operations are controlled by one or more of the minority persons or socially and economically disadvantaged individuals who own it.

B. Minority Person - A person who is a citizen or lawful permanent resident of the United States, and who is:

1. Black, that is, a person having origins in any of the black racial groups in Africa;

2. Hispanic, that is, a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race;

3. Asian American, that is, a person having origins in any of the original peoples of the Far East, Southeast Asia , Asia, the Indian subcontinent, or the Pacific Islands;

4. American Indian or Alaskan Native, that is, a person having origins in any of the original peoples of North America; or

5. Female.

C. Socially and Economically Disadvantaged Individual - A person as defined in 15 U.S.C. 637.

II. Owner Responsibilities for Construction and Repair Projects Equal to or Greater Than Three Hundred Thousand Dollars ($300,000).

The school system, when soliciting bids under the provisions of N.C. Gen. Stat. § 143-128, shall perform the following acts:

A. The school system shall designate a contact person who shall compile a list of minority businesses within the bidding area, using information obtained from the Office of Historically Underutilized Businesses, or from other institutions or agencies providing such information. This list shall be updated on a quarterly basis and shall be open for inspection and shall be available so that minority businesses will have the opportunity to add their names to the list.

B. During the design stage, each project shall be reviewed to determine if it would be practical, feasible and legal to divide the project into separate contracts that might increase the opportunity for MBE bidders.

C. At least ten days prior to the scheduled day of bid opening, notice of each project and invitations to bid shall be sent to MBEs that have requested notices from the school system for public construction or repair work, and to MBEs that otherwise indicated to the Office of Historically Underutilized Businesses an interest in the type of work being bid or the potential contracting opportunities listed in the proposal. Each notice shall include the following: (a) a description of the work for which the bid is being solicited; (b) the date, time, and location where bids are to be submitted; (c) the name of the individual within the public entity who will be available to answer questions about the project; (d) where bid documents may be reviewed; (e) any special requirements that may exist; and (f) notice of the date, time, and location of the prebid conference.

D. A prebid conference shall be held for each project. A school system representative shall attend the scheduled prebid conference.

E. During the advertising period of a project, the contact person shall be responsible for answering project-related questions MBEs might have.

F. For each project, documents related to the contract shall be available for inspection at a convenient and accessible location. MBEs shall receive notice of the location of the documents as part of the invitation to bid specified in paragraph C above.

G. All prime and subcontractors shall be allowed to obtain a copy of a complete set of Drawings and Specifications by providing a refundable deposit to the school system. Deposits will be refunded in accordance with school system procedures.

1. For each building contract put out for bids under N.C. Gen. Stat. § 143-128, published notice of the contract shall include a statement that all contractors submitting bids will be required to provide either (1) an affidavit that includes a description of the portion of work to be executed by minority businesses, expressed as a percentage of the total contract price, which is equal to or more than the applicable goal or (2) documentation of its good faith effort to meet this goal that was identified in the bid, including any advertisements, solicitations, and evidence of other specific actions demonstrating recruitment and selection of minority business for participation in the contract or (3) an affidavit verifying that the bidder will be self-performing all of the work as defined in Section III, below. *Failure to file the required affidavit or documentation that demonstrates that the contractor made the required good faith effort is grounds for rejection of the bid.*

I. For each building contract put out for bids pursuant to N.C. Gen. Stat. § 143-128, a copy of the Board's MBE policy will be included in the materials provided to all contractors.

J. For each building contract put out for bids, the Board or the Board’s designee shall utilize other media, as appropriate, likely to inform potential MBEs of the bid being sought.

III. Contractor Responsibilities for Construction and Repair Projects Equal to or Greater Than Three Hundred Thousand Dollars ($300,000).

A. Each bidder, including first-tier subcontractors for construction manager at risk projects, shall identify on its bid the minority businesses that it will use on the project and an affidavit listing the good faith efforts it has made pursuant to N.C. Gen. Stat. § 143-128.2(f) and the total dollar value of the bid that will be performed by the minority businesses. A contractor, including a first-tier subcontractor on a construction manager at risk project, that performs all of the work under a contract with its own workforce may submit an affidavit to that effect in lieu of the affidavit otherwise required under this subsection.

The apparent lowest responsible, responsive bidder, within 3 business days of the bid opening, shall also provide either (1) an affidavit that includes a description of the portion of work to be executed by minority businesses, expressed as a percentage of the total contract price, which is equal to or more than the applicable goal or (2) documentation of its good faith effort to meet the goal that was identified in the bid, including any advertisements, solicitations, and evidence of other specific actions demonstrating recruitment and selection of minority businesses for participation in the contract or (3) an affidavit verifying that the bidder will be self-performing all of the work as set forth above. *Failure to file the required affidavit or documentation that demonstrates that the contractor made the required good faith effort is grounds for rejection of the bid.*

B. Bidder(s) on the Board’s building projects shall undertake the following good faith efforts to recruit minority businesses to the extent required by N.C. Gen. Stat. § 143-128.2 and shall provide documentation to the Board that they have performed these efforts achieving at least 50 points:

1. (10 points) Contacting minority businesses that reasonably could have been expected to submit a quote and that were known to the contractor or available on State or local government maintained lists at least ten days before the bid or proposal date and notifying them of the nature and scope of the work to be performed.

2. (10 points) Making the construction plans, specifications and requirements available for review by prospective minority businesses, or providing these documents to them at least ten days before the bid or proposals are due.

3. (15 points) Breaking down or combining elements of work into economically feasible units to facilitate minority participation.

4. (10 points) Working with minority trade, community, or contractor organizations identified by the Office of Historically Underutilized Businesses and included in the bid documents that provide assistance in recruitment of minority businesses.

5. (10 points) Attending any prebid meetings scheduled by the Board.

6. (20 points) Providing assistance in getting required bonding or insurance or providing alternatives to bonding or insurance for subcontractors.

7. (15 points) Negotiating in good faith with interested minority businesses and not rejecting them as unqualified without sound reasons based on their capabilities. Any rejection of a minority business based on lack of qualification should have the reasons documented in writing.

8. (25 points) Providing assistance to an otherwise qualified minority business in need of equipment, loan capital, lines of credit, or joint pay agreements to secure loans, supplies, or letters of credit, including waiving credit that is ordinarily required. Assisting minority businesses in obtaining the same unit pricing with the bidder’s suppliers in order to help minority businesses in establishing credit.

9. (20 points) Negotiating joint venture and partnership arrangements with minority businesses in order to increase opportunities for minority business participation on a public construction or repair project when possible.

10. (20 points) Providing quick pay agreements and policies to enable minority contractors and suppliers to meet cash-flow demands.

C. Within 30 days after the award of the contract, the contractor shall provide to the school system’s designated representative a list of all identified MBE subcontractors that the contractor will use on the project.

D. Failure to comply with procedural requirements as defined in the contract documents may render the bid as nonresponsive and may result in rejection of the bid and award to the next lowest responsible and responsive bidder.

E. During the construction of a project, if it becomes necessary to replace an MBE subcontractor, the prime contractor shall advise the owner. No MBE subcontractor may be replaced with a different subcontractor except (1) if the subcontractor’s bid is later determined by the contractor or construction manager at risk to be nonresponsible or nonresponsive, or the listed subcontractor refuses to enter into a contract for the complete performance of the bid work or (2) with the approval of the Board for good cause. Good faith efforts as set forth in N.C. Gen. State. § 143-131(b) shall apply to the selection of a substitute subcontractor. Prior to substituting a subcontractor, the contractor shall identify the substitute subcontractor and inform the Board or its designee of its good faith efforts pursuant to N.C. Gen. State. § 143-131(b).

F. If during the construction of a project additional subcontracting opportunities become available, the prime contractor shall make a good faith effort to solicit subbids from MBEs.

IV. Procedures for Monitoring Contractor Compliance.

For any building contract put out for bids pursuant to N.C. Gen. Stat. § 143-128.2, the school system shall report the following information regarding minority businesses certified by the North Carolina Secretary of Administration to the Office of Historically Underutilized Business:

1. The verifiable percentage goal.
2. The type and total dollar value of the project, minority business utilization by minority business category, trade, total dollar value of contracts awarded to each minority group for each project, the applicable good faith effort guidelines or rules used to recruit minority business participation, and good faith documentation accepted by the public entity from the successful bidder.
3. The utilization of minority businesses under the various construction methods under G.S. 143-128(a1).

V. Complaint Procedures.

A. Any alleged violations of the provisions of this MBE plan by any party should be reported in writing to the Superintendent or his/her designee.

B. The Superintendent or his/her designee shall review all facts available and respond in writing. Unresolved complaints shall be presented to the Board. The decision rendered by the Board will be final.

VI. Record Keeping.

The Superintendent or his/her designee shall keep all public records created pursuant to these regulations and the Minority Business Enterprise Participation in Construction and Purchase Contracts Policy for a period of not less than three years from the date of the completion of the building project.

6050-R-E1

State of North Carolina AFFIDAVIT A

County of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Listing of the Good Faith Effort

The below-signed company has made a good faith effort to recruit minority businesses in accordance with N.C. Gen. Stat. § 143-128.2 and represents that it has performed the following efforts (check all that apply - a minimum of 50 points must be achieved to meet statutory good faith efforts):

\_\_\_\_ Contacted minority businesses that reasonably could have been expected to submit a quote and that were known to the contractor, or available on State or local government maintained lists, at least 10 days before the bid or proposal date and notified them of the nature and scope of the work to be performed. (10 points)

\_\_\_\_ Made the construction plans, specifications and requirements available for review by prospective minority businesses, or provided these documents to them at least 10 days before the bids or proposals are due. (10 points)

\_\_\_\_ Broke down or combined elements of work into economically feasible units to facilitate minority participation. (15 points)

\_\_\_\_ Worked with minority trade, community, or contractor organizations identified by the Office of Historically Underutilized Businesses and included in the bid documents that provide assistance in recruitment of minority businesses. (10 points)

\_\_\_\_ Attended prebid meetings scheduled by the public owner. (10 points)

\_\_\_\_ Provided assistance in getting required bonding or insurance or provided alternatives to bonding or insurance for subcontractors. (20 points)

\_\_\_\_ Negotiated in good faith with interested minority businesses and did not reject them as unqualified without sound reasons based on their capabilities. Any rejection of a minority business based on lack of qualification should have the reasons documented in writing. (15 points)

\_\_\_\_ Provided assistance to an otherwise qualified minority business in need of equipment, loan capital, lines of credit, or joint pay agreements to secure loans, supplies, or letters of credit, including waiving credit that is ordinarily required. Assisted minority businesses in obtaining the same unit pricing with the bidder’s suppliers in order to help minority businesses in establishing credit. (25 points)

\_\_\_\_ Negotiated joint venture and partnership arrangements with minority businesses in order to increase opportunities for minority business participation on a public construction or repair project when possible. (20 points)

\_\_\_\_ Provided quick pay agreements and policies to enable minority contractors and suppliers to meet cash flow demands. (20 points)

**IDENTIFICATION OF MINORITY BUSINESS PARTICIPATION** **SCHEDULE**

|  |  |  |  |
| --- | --- | --- | --- |
| Name | Description of Work to be performed | Subcontract Amount | Percentage of Bid |
| 1.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| 2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| 3. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| 4. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| 5. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| 6. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| 7. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| 8. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| 9. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| 10.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

In accordance with G.S. 143-128.2, the undersigned will enter into a formal agreement with the firms listed in the above Identification of Minority Business Participation Schedule conditioned upon execution of a contract with the Owner. The failure to abide by this statutory provision shall constitute a breach of the construction contract.

The undersigned hereby certifies that he or she has read this affidavit and the information contained herein is true and accurate. The undersigned further certifies that he or she is authorized to bind the bidder to the commitment herein set forth.

Date:\_\_\_\_\_\_\_\_\_\_ Name of Company: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name/Title Authorized Officer:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

SEAL State of North Carolina, County of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_.

Notary Public\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

My commission expires: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**DISPUTE RESOLUTION POLICY FOR CONSTRUCTION AND REPAIR CONTRACTS** 6060

The Board establishes this dispute resolution system to facilitate the prompt and fair resolution of disputes with amounts in controversy in excess of $15,000 arising between or among any parties involved in the school system’s construction and repair projects (including the school system, the architect, the construction manager, the contractors, and the first-tier and lower-tier subcontractors) on claims arising out of the contract or construction process in accordance with N.C. Gen. Stat. § 143-128(g). The Board strives to resolve disputes without animosity between or among parties. To this end, the Architect’s review followed by mediation as necessary or desired shall be preconditions to litigation of any dispute covered by this Policy. In no event shall the Board be subject to arbitration proceedings pursuant to this policy. The Superintendent or his designee shall adopt regulations to implement this policy.

LEGAL REF: None

ADOPTED: February 7, 2005

**REGULATIONS IMPLEMENTING THE DISPUTE RESOLUTION POLICY FOR**

**CONSTRUCTION AND REPAIR CONTRACTS** 6060-R

The following regulations are applicable to the resolution of disputes with amounts in controversy in excess of $15,000 arising between or among any parties involved in the school system’s construction and repair projects (including the school system, the architect, the construction manager, the contractors, and the first-tier and lower-tier subcontractors) on Claims arising out of the contract or construction process. In no event shall the Owner be subject to arbitration proceedings pursuant to the Dispute Resolution Policy or these regulations. Unless otherwise specified in this Policy, if there is any conflict between this Policy and the Contract Documents, the terms of this Policy control.

**A. Definition**.

A claim is a demand or assertion by one of the parties seeking, as a matter of right, adjustment or interpretation of Contract terms, payment of money, extension of time or other relief with respect to the terms of the Contract. The term “Claim” also includes other disputes and matters in question between the parties to a Contract involved in the school system’s construction and repair projects arising out of or relating to the Contract or the construction process. Claims must be initiated by written notice. The responsibility to substantiate Claims shall rest with the party making the Claim.

**B. Resolution of Claims and Disputes.**

1. Claims, including those alleging an error or omission by the Architect, shall be referred initially to the Architect for decision. A final decision by the Architect shall be required as a condition precedent to mediation or litigation of all Claims by a contractor arising prior to the date final payment is due. The Architect will initially decide disputes between any or all parties involved in the school system’s construction projects.

2. The Architect will review Claims and within twenty days of the receipt of the Claim take one or more of the following actions: (1) request additional supporting data from the claimant or a response with supporting data from the other party, (2) reject the Claim in whole or in part, (3) approve the Claim, (4) suggest a compromise, or (5) advise the parties that the Architect is unable to resolve the Claim if the Architect lacks sufficient information to evaluate the merits of the Claim or if the Architect concludes that it would be inappropriate for the Architect to resolve the Claim.

3. In evaluating Claims, the Architect may, but shall not be obligated to, consult with or seek information from either party or from persons with special knowledge or expertise who may assist the Architect in rendering a decision.

1. If the Architect requests a party to provide a response to a Claim or to furnish additional supporting data, such party shall respond, within ten days after receipt of such request, and shall either provide a response on the requested supporting data, advise the Architect when the response or supporting data will be furnished or advise the Architect that no supporting data will be furnished. Upon receipt of the response or supporting data, if

any, the Architect will either reject or approve the Claim in whole or in part.

5. The Architect will approve or reject Claims by written decision, which shall state the reasons therefor and which shall notify the parties of any change in the Contract Sum or Contract Time or both. The approval or rejection of a Claim by the Architect shall be final and binding on the parties but subject to mediation.

6. When a written decision of the Architect states that the decision is final but subject to mediation, then a demand for mediation of a Claim covered by such decision must be made within 30 days after the date on which the party making the demand receives the final written decision. Any failure to demand mediation within said 30 days’ period shall result in the Architect’s decision becoming final and binding upon the parties.

7. Upon receipt of a Claim against the Contractor or at any time thereafter, the Architect or the Owner may, but is not obligated to, notify the surety, if any, of the nature and amount of the Claim. If the Claim relates to a possibility of a Contractor’s default, the Architect or the Owner may, but is not obligated to, notify the surety and request the surety’s assistance in resolving the controversy.

8. If a Claim relates to or is the subject of a mechanic’s lien, the party asserting such Claim may proceed in accordance with applicable law to comply with the lien notice or filing deadlines prior to resolution of the Claim by the Architect, by mediation or by arbitration.

9. If the Architect deems that a Claim is valid, the Architect shall require all parties to the dispute to share the cost of the Architect’s review equitably. If the Architect deems that a Claim is invalid, the Architect shall require the complaining party to bear the cost of the Architect’s review. In any event, the Architect may require the complaining party to submit a deposit equivalent to the Architect’s hourly rate multiplied by the amount of time the Architect estimates, in the Architect’s sole discretion, that will be necessary to review the Claim. The Architect shall return any unused portion of this initial deposit to the complaining party following the Architect’s completion of the Architect’s review of the Claim. Nothing in these regulations shall entitle the Architect to compensation for additional services from the Owner that is not authorized pursuant to the terms of the Owner-Architect Agreement.

**C. Time Limits on Claims.**

Claims not involving the Owner or Architect must be initiated within 30 days after occurrence of the event giving rise to such Claim or within 30 days after the claimant first recognizes the condition giving rise to the Claim, whichever is later. Claims involving the Owner or Architect shall be filed in strict conformance with the Contract documents. Nothing in the policy or these regulations and procedures shall extend the period within or the manner in which claims against the Owner or Architect must be submitted. Claims must be initiated by written notice to the Architect and the other party. Any Claim that is not initiated within the applicable time period is waived.

**D. Continuing Contract Performance.**

Pending final resolution of a Claim, the Contractor shall proceed diligently with performance of the Contract, unless instructed otherwise in writing by the Owner.

**E. Mediation**.

1. Any Claim arising out of or related to a contract or the construction process on the school system’s construction or repair projects, except those waived Claims shall, after a final decision by the Architect, be subject to mediation as a condition precedent to the institution of legal proceedings by any contractor.

2. The parties shall endeavor to resolve their Claims by mediation which, unless the parties mutually agree otherwise, shall be in accordance with rules established by the Owner.

3. The parties shall share the mediator’s fee and any filing fees equally. The mediation shall be held in the place where the Project is located, unless another location is mutually agreed upon. Agreements reached in mediation shall be enforceable as settlement agreements in any court having jurisdiction thereof.

**ANNOUNCEMENTS FOR CERTAIN SERVICES**  6070

The Edenton-Chowan Schools shall announce requirements for service contracts when required by state law or when it is in the best interest of the school system to do so. Announcements shall be publicized to provide an equal opportunity for all businesses. Services which must be announced include architectural, engineering, surveying and construction management at risk services.

LEGAL REF: G.S. 143-64.31

ADOPTED: February 7, 2005

**FACILITY EXPANSION PLANNING AND LONG-RANGE NEEDS**  6080

The significance of providing school facilities that enhance the district's educational program is recognized by the Board. To assure a comprehensive approach to projecting and planning needs, the Board and the Superintendent shall draw collaboratively upon a wide range of resources which may include the area utility, commercial, industrial and governmental entities, as well as the district staff, educational consultants and citizens of the community in various phases of the planning process.

LEGAL REF: G.S. 115C-521

ADOPTED: February 7, 2005

**FACILITY DESIGN**  6090

The Board is committed to the design of new and renovated facilities in a manner that maximizes the use of space, conserves environmental resources, and produces structurally sound and safe buildings. All school buildings should be designed to create safe, orderly and inviting learning environments where students can succeed.

6090.1 The Superintendent or designee may employ the services of outside professionals, including architects and other consultants, for the design and construction of new buildings or renovations to existing buildings for projects approved by the Board. The design of all new buildings shall comply with all state and local laws, rules and regulations and the guidelines issued by the State Board of Education. The Superintendent or designee shall submit the required cost and feasibility information and the plans and specifications for the construction of new buildings to the State Board for its review and comments in accordance with G.S. 115C-521(c). The Superintendent or designee, in consultation with an architect or other design professional, shall review the plans based upon a consideration of the State Boards comments. The Superintendent or designee shall consider the State Boards review of facility plans conducted pursuant to G.S. 115C-521(c) and will specifically address any concerns noted by the State Board before the Board invests any money in the construction of any new building.

6090.2 All contracts for design and construction will be reviewed by the Board's attorney before consideration by the Board.

6090.3 The Board shall approve all designs for new facilities and major renovations.

LEGAL REF: G.S. 115C-521

ADOPTED: February 7, 2005

**DISPOSITION OF SCHOOL PROPERTY**  6100

1. **Real Property**

When the Board finds that any building site or other real property owned or held by the Board is no longer suitable or necessary for public school purposes, the Superintendent or his/her designee shall determine the fair market value of the property, which may include soliciting offers to purchase the property. After the Board has determined the value of the property, the Board will offer the Board of County Commissioners the first opportunity to obtain the property at a fair market price or price negotiated between the two Boards. If the Board of County Commissioners does not choose to obtain the property, the Board may dispose of the property as provided by law. The Board shall comply with all statutory requirements governing the disposal of property, including resolution and notice requirements.

2. **Personal Property**

Personal property, including products generated by vocational education, may be disposed of by the school system in accordance with state law and regulation or through the facilities of the North Carolina Department of Administration.

A. Property valued under five thousand dollars ($5,000): The Superintendent or his/her designee, in accordance with state law, is authorized to declare as surplus personal property owned by the Board that is valued at less than five thousand dollars ($5,000) for any one item or group of similar items, to set the property’s fair market value, and to convey title to the property for the Board. The Superintendent or his/her designee shall choose a method of disposal designed to obtain a fair market value for the property in the most efficient and economical manner possible. The disposal of the property may be achieved through public or private exchange or sale or by any other method allowed by law.

The Superintendent or his/her designee shall keep a written record of such sales generally describing the property sold or exchanged, to whom it was sold or with whom it was exchanged, and the amount of money or other consideration received for each sale or exchange

B. Property valued at less than thirty thousand ($30,000): Personal property valued at less than thirty thousand dollars ($30,000) for any one item or group of similar items may be disposed of through private negotiation and sale or by any other method allowed by law, including advertisement for sealed bids; negotiated offer, advertisement, and upset bids; public auction; or exchange as outlined in Chapter 160A, Article 12 of the North Carolina General Statutes. Except as authorized in 6100.2A, regardless of the method of sale, the Board must first determine that the property is no longer necessary or desirable for school use.

The Board shall comply with all statutory requirements governing the disposal of property, including resolution and notice requirements.

C. Personal property valued at thirty thousand dollars ($30,000) or more: Personal property valued at thirty thousand dollars ($30,000) or more for any one item or group of similar items may not be sold by private negotiation and sale. Such property may be disposed of by the Board through advertisement for sealed bids; negotiated offer, advertisement, and upset bids; public auction; or exchange as outlined in Chapter 160A, Article 12 of the North Carolina General Statutes after a determination by the Board that the property is no longer necessary or desirable for school use. The Board shall comply with all statutory requirements governing the disposal of property, including resolution and notice requirements.

D. Property that may be discarded: The Board may discard any personal property that is determined to have no value, remains unsold or unclaimed after the Board has exhausted efforts to sell the property using the procedures as provided by state law, or that poses a potential threat to public health or safety.

3. **Textbooks**

Textbooks which have been replaced by newer textbook adoption may be disposed of by sale, gift, or exchange. Disposal by sale, exchange, or recycling shall be conducted in accordance with section 2 above. Textbooks disposed of by gift may be given as follows:

a. Sets of textbooks may be placed in classrooms for use as supplementary or reference texts.

b. Textbooks may be taken apart by teachers or school-related organizations to create instructional materials for individual student or class use.

c. Textbooks may be given in small quantities to individual students to use as resource materials.

d. Textbooks may be given to community or civic groups who do or will offer tutorial services.

e. Textbooks may be given to hospitals, rest homes, etc. for adult libraries or adult education.

f. Textbooks may not be given to an individual, group, or corporation when so doing would result in the resale or placement of those books in a private school instructional program.

g. Textbooks may be given to other public schools.

Textbooks must be retained intact by the school for thirty days after the books’ adoption has expired (August 1).

4. **Granting Easements**

In addition to the above, the Board is authorized and empowered by law, in its sound discretion, to grant easements to any public utility, municipality or quasi-municipal corporations to furnish utility services, with or without compensation except the benefits accruing by virtue of the location of said public utility, and to dedicate portions of any lands owned by the Board as rights-of-way for public streets, roads, or sidewalks, with or without compensation except the benefits accruing by virtue of the location or improvement of such public streets, roads or sidewalks.

LEGAL REF: G.S. 115C-518; G.S. 160A, Art. 12

ADOPTED: February 7, 2005

**INTEGRATED PEST MANAGEMENT** 6105

Pests are significant problems for people and property. The pesticides that are commonly used in pest control may pose a potential risk to human health and the environment. The board is committed to maintaining a safe educational environment while also protecting the physical conditions of school facilities. To this end, the board will utilize Integrated Pest Management (IPM) programs or incorporate IPM procedures into the maintenance program conducted by the school system. The superintendent will appoint an IPM contact person to facilitate the use of IPM techniques. As necessary, the superintendent will develop administrative procedures for the IPM program.

**A. Overview of Integrated Pest Management**

IPM is a comprehensive approach that combines effective, economic, environmentally sound and socially acceptable methods to prevent and solve pest problems. IPM emphasizes pest prevention and provides a decision-making process for determining if, when and where pest suppression is needed and what control tactics are appropriate.

The school system’s IPM program will strive to do the following:

1. Minimize any potential health, environmental and economic risks from pests or from the use of pest control methods;
2. Minimize loss or damage to school structures or property from pests or from the use of pest control methods;
3. Minimize the risk of pests spreading into the community; and
4. Enhance the quality of facility use for the school and community.

Pesticides will not be used based *solely* on a schedule. School personnel in charge of pest management will consider how and when pesticides need to be used to achieve the pest management goals.

**B. Use of IPM in Facility and Maintenance Operations**

The school system shall include pest management considerations in facilities planning and maintenance and will comply with IPM guidelines adopted by the State Board of Education. The IPM contact person, in conjunction with the school system’s contracted pest management professional, will recommend to the superintendent any landscaping changes, structural modifications and sanitation changes needed to reduce or prevent pest problems.

**C. Providing Information on IPM to the School Community**

Staff, students, pest managers, parents and the public will be informed about potential school pest problems, school IPM policies and procedures, and their respective roles in achieving the desired pest management objectives. Each year, the principal or designee will ensure that the student handbook includes a notice to parents of their right to request in writing notification of nonscheduled pesticide use. When required, notice of nonscheduled pesticide use should be made at least 72 hours in advance, to the extent possible.

**D. Recordkeeping**

Records of all pest management activities must be maintained, including inspection records, monitoring records, pest surveillance data sheets or other indicators of pest populations, and a record of structural repairs and modifications. If pesticides are used, records must be maintained on site to meet the requirements of the state regulatory agency and school board.

Legal References: G.S. 115C-12(34)(d) and (e), -36, and -47(47)

Adopted: July 11, 2011

**DUTIES OF PRINCIPALS, TEACHERS & CUSTODIANS IN F ACILITIES SERVICES & OPERATIONS PROGRAMS** 6200

It shall be the duty of every principal in charge of a school building and every teacher to instruct students in the proper care of public property. It shall also be the duty of every teacher and principal to exercise due care in the protection of school property against damage, either by defacement ofor breakage by students.

1. It shall be the duty of all principals or his/her designee to report immediately to the facilities services department any unsanitary condition, damage to school property or needed repair. It shall also be the duty of all teachers and custodians to report to the school principal immediately any unsanitary condition, damage to school property, or needed repair. It shall be the duty of school system maintenance personnel to remedy such conditions in a timely manner. All principals, teachers, custodians, and maintenance personnel shall be held responsible for the safekeeping of the buildings during the school session.

2. Any contractor providing facilities services and its employees shall report to the school principal immediately any unsanitary condition, damage to the school property, or needed repair.

3. School officials are to report in writing to the Superintendent or his/her designee any theft and/or damage to any school property.

LEGAL REF: G.S. 1-538.1; 115C-47, -100, -276(c), -288(f), -307(h), -398, -399, -523, -524

ADOPTED: February 7, 2005

**ALTERATIONS OF FACILITIES OR EQUIPMENT**  6210

Alterations of facilities, grounds, or equipment of the school system, including installation of personal equipment requiring wiring, carpentry, plumbing, or other changes, shall be allowed only upon the prior approval of the Superintendent or his/her designee.

LEGAL REF: G.S. 115C-40, -47, -276

ADOPTED: February 7, 2005

**FACILITY CONSTRUCTION AND REPAIR- AMERICANS WITH DISABILITIES ACT COMPLIANCE** 6220

All new school system construction shall be designed and constructed such that it is readily accessible to and usable by disabled individuals in compliance with the Americans with Disabilities Act. The Superintendent or his/her designee shall review as often as practicable each of the school system’s services, programs and activities to ensure that, when each program is viewed in its entirety, it is accessible to disabled persons. If a service, program, or activity is not accessible, the Superintendent, subject to approval by the Board, shall take steps to make the service, program or activity accessible. This may include alteration of a building, service, program or activity, unless doing so would result in a fundamental change in the nature of the service, program or activity, or pose an undue financial burden on the Board.

LEGAL REF: 42 U.S.C. § 12101 *et* *seq*.; 29 U.S.C. § 794 *et* *seq*.

ADOPTED: February 7, 2005

**BUILDINGS AND GROUNDS SECURITY**  6300

The school system shall provide safe surroundings and equipment. When safety equipment is required, it will be furnished by the school system. All employees shall adhere to all safety procedures. The Board encourages close cooperation with local police, fire, and sheriff’s departments and with insurance company inspectors.

Safety is every employee’s responsibility. Where any unsafe condition is discovered, the condition should be brought to the attention of the immediate supervisor without delay. It shall be the duty of school system maintenance personnel to remedy such condition in a timely manner. In the event of an accident, the principal shall ensure that all appropriate forms and documentation are completed.

Access to school buildings and grounds outside of regular school hours shall be limited to authorized personnel. An adequate key control system shall be established which will limit access to buildings to authorized personnel and will safeguard against the entrance to the buildings by unauthorized persons. Keys to Board of Education buildings may not be duplicated nor assigned to non-school personnel without the written permission of the Superintendent or his/her designee.

Protective devices designed to be used as safeguards against illegal entry and vandalism shall be installed when appropriate. Employment of security guards may be approved in situations where special risks are involved.

LEGAL REF: G.S. 115C-166 to -169; 29 U.S.C. 651 *et seq*.; 29 C.F.R. Part 1975

ADOPTED: February 7, 2005

**FIRE AND OTHER EMERGENCY DRILLS**  6310

**Fire Drills**

It shall be the duty of the principal to conduct a fire drill during the first week after the opening of school and thereafter at least one fire drill each calendar month, in each building in the principal’s charge, where children are assembled. Fire drills shall include all pupils and school employees, and the use of various ways of egress to simulate evacuation of said buildings under various conditions, and such other regulations as shall be prescribed for fire safety by the Commissioner of Insurance, the Superintendent of Public Instruction and the State Board of Education. A copy of such regulations shall be kept posted on the bulletin board in each building.

**Other Emergency Drills**

The Superintendent will insure that special drill activities will be planned by the principals to assure orderly movement and assembly of students in the safest available building area.

LEGAL REF: G.S. 115C-288, -525

ADOPTED: February 7, 2005

**FIRE PREVENTION**  6320

Principals shall have the following duties regarding fire hazards during periods when they are in control of a school:

A. Every principal shall make certain that all corridors, halls, and tower stairways which are used for exits shall always be kept clear and that nothing shall be permitted to be stored or kept in corridors or halls, or in, on or under stairways that could in any way interfere with the orderly exodus of occupants. The principal shall make certain that all doors used for exits shall be kept in good working condition. During the occupancy of the building or any portion thereof by the public or for school purposes, the principal shall make certain that all doors necessary for prompt and orderly exodus of the occupants are kept unlocked.

B. Every principal shall make certain that no electrical wiring shall be installed within any school building or structure or upon the premises and that no alteration or addition shall be made in any existing wiring, except with the authorization of the Superintendent or his/her designee. Any such work shall be performed by a licensed electrical contractor, or by a maintenance electrician regularly employed by the Board and approved by the Commissioner of Insurance.

C. Every principal shall make certain that combustible materials necessary to the curriculum and for the operation of the school shall be stored in a safe and orderly manner.

D. Every principal shall make certain that all supplies, such as oily rags, mops, etc., which may cause spontaneous combustion, shall be stored in an orderly manner in a well-ventilated place.

E. Every principal shall make certain that all trash and rubbish shall be removed from the school building and grounds daily. No trash or rubbish shall be permitted to accumulate in a school attic, basement or other place on the premises.

F. Every principal shall inspect each of the buildings in his charge at least twice each month during the regular school session. This inspection shall include cafeterias, gymnasiums, boiler rooms, storage rooms, auditoriums and stage areas as well as all classrooms. This inspection shall be for the purpose of keeping the buildings safe from the accumulation of trash and other fire hazards.

G. Every principal shall file two copies of a written report once each month during the regular school session with the Superintendent, one copy of which shall be transmitted by the Superintendent to the Board Chair. This report shall state the date the last fire drill was held, the time consumed in evacuating each building, that the inspection has been made as prescribed by law and such other information as is deemed necessary for fire safety by the Commissioner of Insurance, the Superintendent of Public Instruction and the State Board of Education.

H. Every principal shall cooperate in every way with the authorized building inspector, electrical inspector, county fire marshal, system maintenance supervisor, or other designated person making the inspections required by G.S. 115C-525(b).

I. Every principal shall bring to the attention of the Superintendent the failure of the building inspector, electrical inspector, county fire marshal, or other person to make the inspections required by G.S. 115C-525(b).

J. Every principal shall call to the attention of the Superintendent or his/her designee all recommendations growing out of the inspections, in order that the proper authorities can take steps to bring about the necessary corrections.

LEGAL REF: G.S. 115C-288, -525

ADOPTED: February 7, 2005

**SCHOOL BUS TRANSPORTATION**  6400

The Edenton-Chowan Schools directs the Superintendent to operate a pupil transportation system based upon the General Statutes of North Carolina concerning pupil transportation, G.S. § 115C-239 *et seq.*, and to operate a school bus maintenance program in compliance with state law and state regulations so as to provide the most efficient and economical services possible.

To ride a school bus is a privilege and not a right. Based upon a student’s conduct, the privilege may be taken away. The principal is responsible for school bus discipline.

No student shall be allowed to ride a bus to which the student is not assigned without proper authorization from the principal or a designee.

1. **Annual Review of Bus Routes**

Prior to the commencement of each school year, the transportation supervisor shall prepare and submit to the Superintendent or his/her designee for approval a proposed route for each school bus. Adjustments may be made in the proposed routes to accommodate unforeseen situations which occur during the course of the school year.

2. **General Guidelines for Routing School Buses**

A. School buses shall be routed to safely and economically serve students eligible for transportation.

B. Unless road or other conditions make it inadvisable, buses shall be routed so that they pass within one mile of the residence of each pupil who resides more than one and one-half miles from the school to which the student is assigned.

C. A route description including street or road name and stop location shall be available.

D. A safe school walk zone shall be established and school buses shall not stop within the walk zone except for special needs students.

E. School buses may be routed to serve students who reside within one and one-half miles of the school which serves their residence to avoid hazardous walking conditions.

1. To the extent possible, school bus routes and stops shall be established to

avoid hazardous road conditions.

G. The school bus shall not deviate from its route for a distance of less than one-half mile for elementary or a mile for secondary students, unless one of the following conditions is met: there are more than 10 students who are unescorted, the students are in grades K-3, or the students are special needs students.

H. School buses should be routed on state-maintained roads, or on city-maintained or private roads if road or other conditions support such a route and upon approval of the director of transportation.

I. Overlapping, backtracking, and unnecessary stops are to be eliminated.

3. **General Guidelines for Bus Stops**

A. The transportation supervisor shall designate school bus stops.

B. Bus stops shall be no closer together than .2 miles unless the distance is shortened in the interest of safety.

C. School buses shall come to a complete stop at each bus stop. If no student is in sight, the bus shall proceed onward immediately.

1. **Transportation for Children with Special Needs**

Transportation shall be provided from the student’s home to and from school for those “children with special needs,” as defined by G.S. § 115C-109 where necessary to meet the child’s special needs.

A. It is the parent’s responsibility to take the student to and from the bus.

B. Where the student is unable to remain alone safely, a parent (guardian) or other responsible adult must be home in the morning and afternoon to present and receive the student.

C. If a parent or responsible adult is not home at the appointed afternoon drop off, the driver will contact the school principal, who will make arrangements for the student’s supervision, which may include contacting the Department of Social Services.

5. **After School Programs**

Based on availability of funding, the transportation supervisor shall provide routing assistance, vehicles, and maintenance for after school programs.

6. **Bus Inspections**

School bus drivers will perform a pre- and post-trip safety inspection. The driver will report any safety concerns or vandalism to the principal and/or designee and to the transportation supervisor.

In case of vandalism, the transportation supervisor will bill the school for damage. The school will investigate the vandalism. Upon identifying the vandals, the school may pursue collection of damages from the parent or guardian.

*8.* School Bus Idling

The board recognizes that emissions that accumulate from school buses can be harmful to students and bus drivers. The board further recognizes that unnecessary bus idling wastes fuel and financial resources. The board is committed to transporting students on school buses in a manner that is safe and consistent with the board’s goal of resource conservation. To this end, the board prohibits all unnecessary school bus idling on school grounds. In addition, the board prohibits the warming up of buses for longer than 5 minutes, except in extraordinary circumstances or circumstances beyond the bus driver’s control.

This policy applies to school buses and activity buses when used to transport students to/from school, extracurricular activities, field trips and other school-related activities.

The superintendent shall develop procedures consistent with this policy. The superintendent shall ensure that school bus drivers and appropriate school personnel receive training to implement this policy.

LEGAL REF: G.S. 20-218; 115C-239 to 262; 16 NCAC 6B*; G.S. 115C-36; State Board of Education Policy Manual Chapter TCS-H; N.C. Public School Allotment Policy Manual, State Allotment Formulas – Transportation of Student, Program Report Code 056 (as modified October 6, 2005)*

ADOPTED: February 7, 2005

AMENDED: January 9, 2006

**SCHOOL BUS IDLING PROCEDURES** 6400-R

The following procedures are established to eliminate unnecessary idling of school buses:

A**.** Idling Times

1. Buses should not idle longer than five (5) minutes.

2. The following are considered extraordinary circumstances or circumstances beyond the driver’s control for which an exception can be made to the five-minute idling rule:

a. while waiting in traffic

b. while loading/unloading students with special needs, as necessary

c. for traffic, safety or emergency situations

d. for maintenance or mechanical inspections or repair

e. during extreme weather conditions (temperatures of less than 30 degrees or more than 85 degrees Fahrenheit) for the purpose of warming/cooling the interior of the bus.

B. Bus Parking on School Grounds.

1. Buses should not idle while loading or unloading on school grounds or at school related activities.

2. Buses should not park on school grounds near building air-intake systems, unless the school district has determined that alternative parking locations interfere with traffic, impair student safety or are not cost-effective.

3. No bus should run without the driver being in the driver’s seat.

**TRANSPORTATION FOR INSTRUCTIONAL FIELD TRIPS AND EXTRACURRICULAR ACTIVITIES**  6410

1. **Off-Campus Use of Yellow School Buses**

The Edenton-Chowan Board of Education authorizes the use of regular public school buses to transport students during regular school curricular or extra curricular activities. Regular school buses can be used only inside the county, only if activity buses are not available, and only for activities that are directly related to the curriculum. Written permission for this use must be obtained in advance from the transportation director after consideration of finding requirements for regular transportation of students to and from school.

2. **Field Trips for Yellow School Buses Only**

A. Field trips shall be educational and be correlated with the North Carolina Standard Course of Study.

B. The Field Trip Request Form shall be completed in full and submitted at least ten (10) days in advance.

C. Field trips employing yellow school buses will only be approved if a bus and driver are available.

D. Field trips will not be approved if they interfere with regular transportation.

E. Field trip transportation costs, where applicable, shall be paid by the school taking the trip.

F. Yellow school buses may be authorized only if no activity bus is available.

The use of regular school buses is subject to applicable state law and regulations. The state shall be reimbursed by the local school according to state regulations.

3. **Activity Buses**

The Board authorizes the use of activity buses for transportation of athletic teams or other student groups for regularly-scheduled curricular or extracurricular activities. Activity bus drivers must have a Commercial Drivers License, with a Passenger and School Bus Endorsement. Newly licensed activity bus drivers must also obtain a school bus driver’s certificate. Beginning July 1, 2015, all activity bus drivers must have a valid school bus driver’s certificate.

4. **Use of Private Vehicles**

The Board discourages the use of private vehicles to transport students to/from school-sponsored activities but recognizes the need for additional transportation at certain times. The principal may authorize the use of private vehicles under the following circumstances:

A. Prior to the trip, students being transported must provide the school with release forms signed by the student’s parent or guardian; and

B. All private vehicles are to be driven by properly licensed, non-student drivers who possess appropriate insurance coverage.

The use of commercial transportation is acceptable provided that the principal assures compliance with Board policy on contracting with charter bus services.

5. **Drivers**

All drivers used for extra transportation must have an appropriate and valid North Carolina driver’s license. It is the transportation supervisor and/or principal’s responsibility to secure approved, qualified drivers for all curricular-related field trips.

It is the principal’s responsibility to secure approved, qualified drivers for all extracurricular transportation.

6. **Student Behavior**

The ECPS Code of Conduct applies on all school trips, and teachers are responsible for maintaining proper conduct and aiding drivers on all trips.

LEGAL REF: G.S. 20-218, 115C-239, 115C-241 to -262

ADOPTED: February 7, 2005

**DUTIES AND RESPONSIBILITIES OF SCHOOL BUS DRIVERS**  6420

School bus drivers shall have all qualifications prescribed by the regulations of the State Board of Education and meet all eligibility requirements outlined in policy 5415.

School bus drivers shall keep informed of and abide by all federal, state and local laws, rules, and regulations pertaining to the operation of the school buses and shall cooperate with the principal and other school officials.

The school bus driver, subject to the direction of the principal, shall have complete authority over and responsibility for the operation of the bus and the maintenance of good order and conduct on the bus, and shall report promptly to the principal any misconduct or disregard or violation of the driver's instructions by any person riding on the bus.

The school bus driver shall permit no person to ride on the bus except as assigned by the principal or transportation supervisor.

The school bus driver shall inspect the bus before and after each trip, ensure all students have exited the bus, and report safety concerns or vandalism as specified in Board policy 6400, *School Bus Transportation*.

The school bus driver shall not allow a substitute to drive unless the principal or assistant principal has approved and assigned the substitute to drive the bus. Failure to comply with this policy will subject the driver to immediate dismissal.

If a yellow school bus or activity bus is involved in an accident where death, injury, or property damage occurs, the bus driver is required to report promptly, on the appropriate form, to the State Department of Motor Vehicles and the Superintendent.

All accidents regardless of the damage involved must be reported to the director of transportation. Any part of the vehicle rubbing, scraping, or touching (other than bushes, overhanging limbs, etc.) other objects or vehicles in such a manner to cause damage to either vehicle or other objects constitutes an accident.

LEGAL REF: G.S. 20-218; 115C-245; 115C-248; 16 NCAC 6B

ADOPTED: February 7, 2005

**SCHOOL BUS PASSENGERS**  6430

The principal shall make certain that all passengers assigned to a school bus for transportation are informed and cautioned, through class instruction, supervision, and otherwise, of the responsibility of the individual passenger for conduct and safety.

1. Instruction in school bus safety shall be provided during the first five days of school and thereafter as the principal deems necessary. The principal also shall inform parents of the responsibilities of bus passengers.

2. The number of passengers on a bus shall not exceed the official capacity for the type and model bus being used. All riders must be seated before a bus may leave a stop and while a bus is in motion.

LEGAL REF: G.S. 115C-245(b); 16 NCAC 6B

ADOPTED: February 7, 2005

**BUS MAINTENANCE**  6440

It shall be the responsibility of the transportation supervisor to maintain all buses in safe and proper operational order, placing first priority on the maintenance of those buses assigned to the transportation of pupils to and from school. Buses shall be inspected at least once every 30 days. School bus drivers shall report defects to the transportation supervisor. If the transportation supervisor finds a bus to be so defective that it may not be operated with reasonable safety, the bus shall not be used until the defect is repaired.

The transportation supervisor shall file reports of all inspections in the office of the Superintendent. A copy of the report shall be forwarded to the principal of the school to where the bus is assigned.

LEGAL REF: G.S. 115C-248, -249

ADOPTED: February 7, 2005

**CONTRACT TRANSPORTATION**  6450

To meet its student transportation needs, the Board may enter into private contracts with any person, firm or corporation for the transportation of students for any purpose for which the school system is authorized to operate public school buses in accordance with state law. The vehicles and drivers used under a private contract shall comply with all applicable state and federal laws and school board policies and regulations. The Superintendent may develop guidelines regarding the use of contract transportation.

LEGAL REF: G.S. 115C-253

ADOPTED: February 7, 2005

**SCHOOL SYSTEM VEHICLES**  6460

All buses and other vehicles owned by the school system shall be titled in the name of the Board and purchased in accordance with state law and relevant Board policies.

These vehicles shall be insured under the fleet policy carried by the Board. Only properly licensed drivers authorized to operate school system vehicles under the terms of the insurance policy shall be permitted to operate a school system vehicle. The driver of a vehicle requiring special licensure shall be properly licensed.

If a district owned vehicle is involved in an accident where death, injury, or property damage occurs, the driver is required to report promptly, on the appropriate form, to the State Department of Motor Vehicles and the Superintendent.

LEGAL REF: G.S. 115C-42, -47(25), -239, -247, -249, -255, -257; 16 N.C.A.C. 6B

ADOPTED: February 7, 2005

**TRAFFIC AND PARKING ON SCHOOL SYSTEM PROPERTY**  6470

This policy governs driving and parking motor vehicles and other modes of conveyance on school system property. Speed bumps for school driveways and parking areas may be installed where deemed necessary.

In order to maximize the use of school system parking lots for school system purposes, parking lots shall only be used by school system personnel, students and visitors while on school system property or conducting school system business. Cars and other vehicles may park only in clearly marked, designated parking areas. Parking lots may not be used for storage, repair or any other improper purposes. Specific areas will be assigned for student parking.

In the interest of safety, the principal may limit the number of student cars that may be parked on school grounds, develop and modify traffic patterns, and otherwise limit parking. All parking permits shall be issued on a fair and impartial basis, with first priority being given to physically disabled persons. Individual school parking policies shall be made known annually to all students, faculty, and staff members.

The school system reserves the right to suspend or terminate an individual's parking privileges for failure to comply with this policy or its regulations and procedures or for failure to comply with any other school system policy or school rule, including the Student Code of Conduct.

The Board shall not be liable or responsible for damage to cars and other vehicles parked on school system property.

Failure to comply with this policy or its regulations and procedures can result in towing of the car or vehicle. The owner or user of the car or vehicle shall bear all costs and expenses related to the towing and storage of the car or vehicle.

The Superintendent may develop regulations and procedures as necessary for the implementation of this policy and is authorized to establish reasonable fees for campus parking permits.

LEGAL REF: G.S. 115C-46 and §20-219.9 to -219.14

ADOPTED: February 7, 2005

**CHILD NUTRITION PROGRAMS**  6500

All schools shall participate in the National Child Nutrition Program, under the jurisdiction of the State Department of Public Instruction, Division of Child Nutrition. All programs shall be operated in accordance with federal guidelines established by the Child Nutrition Division of the United States Department of Agriculture, state guidelines established by the State Department of Public Instruction and local guidelines established by Board policy.

Banking, recordkeeping, budgeting, and accounting for the food services program, shall be conducted in accordance with generally accepted practices and procedures, as dictated by the School Budget and Fiscal Control Act and in accordance with state and federal guidelines.

The school system’s food services program will comply with all local, state, and federal rules and regulations to establish and maintain high standards of safety and sanitation.

Competitive food sales are allowed only if profits accrue to the Child Nutrition Program and will be used solely by the Child Nutrition Program.

Schools may sell additional food items after the last child has been served lunch for the day.

LEGAL REF: G.S. 115C-47(7), -47(22), -263, -264, -422 to -452; National School Lunch Act, as amended, 42 U.S.C. §§1751, *et seq*.; Child Nutrition Act of 1966, as amended, 42 U.S.C. §§1771, *et seq*.; 16 NCAC 6H.0004

ADOPTED: February 7, 2005

**FREE AND REDUCED-PRICE MEALS**  6510

The child nutrition services program shall participate in the national school lunch program, school breakfast program, and receive commodities donated by the United States Department of Agriculture; and it shall accept responsibility for providing free meals and reduced-price meals to eligible children in the schools.

Application forms for free and reduced-price meals, along with any explanatory materials, shall be sent to all students’ homes by the Child Nutrition Department. Additional copies shall be made available in the principal’s office at each school. The information provided on each application is confidential and may be used only for the purpose of determining eligibility. Applications may be submitted at any time during the school year.

No child will be discriminated against because of race, sex, color, or national origin. Applications will be processed by the child nutrition department using approved software and verified by the child nutrition director. In the event that a parent should be dissatisfied with the verifying official’s decision, the parent may request, either orally or in writing, a hearing to appeal the decision. The Superintendent shall designate a hearing officer for the program.

The Superintendent is authorized to develop rules, regulations, and procedures to implement this policy, consistent with federal and state regulations and guidelines governing child nutrition.

LEGAL REF: G.S. 115C-47(7), -47(22), -263, -264; National and School Lunch Act, as amended, 42 U.S.C. §§ 1751, *et seq*., Child Nutrition Act of 1966, as amended, 42 U.S.C. §§ 1771, *et seq.*; 16 NCAC 6H.0104

ADOPTED: February 7, 2005

6515

SCHOOL WELLNESS POLICY

The Edenton-Chowan Board of Education is committed to providing an environment that enhances the development of lifelong wellness practices. The Board will involve parents and the community in developing wellness practices in the schools through publication of this policy and the work of the School Health Advisory Council.

The Board will establish and maintain a School Health Advisory Council to help plan, implement and monitor this Wellness Policy and other school health issues. The School Health Advisory Council shall be appointed by the Board in August of each year and shall contain, at the minimum, a school board member, a school administrator, a child nutrition representative, a parent or guardian, a student, a local health department representative, a member of the public, and a representative from each of the following school health areas: safe environment, physical education, health education, staff wellness, and mental and social health.

**Physical Activity**

Physical Education will be provided to students in accordance with State Board of Education policy. Each school shall provide a minimum of thirty minutes of moderate to vigorous physical activity for all K-8 students daily, either through regular physical education class and/or through other physical activities. Opportunities to participate in physical activity shall not be taken away as a means of punishment, nor shall severe and inappropriate exercise be used as a form of punishment.

**Nutrition**

Students will receive nutrition education consistent with the Healthful Living Standard Course of Study, and nutrition education shall be integrated into health education or other subjects in order to teach students the skills necessary to adopt healthy eating behaviors. The School Health Advisory Council shall recommend other school-based activities designed to promote student wellness.

Foods and beverages available on each school campus shall meet all applicable federal and state nutritional guidelines. The guidelines for reimbursable school meals shall not be less restrictive than that established by federal law.

**Health Education**

Students shall be provided a comprehensive school health education program that meets the requirements of state law and the regulations and objectives of the State Board of Education.

The Healthful Living Education program will include an abstinence-focused reproductive health and safety education program beginning in the seventh grade. This program will include all components mandated by N.C.G.S. § 115C-81 and all objectives established by the State Board of Education. Both school system personnel and guest speakers will be limited to teaching the curriculum and material approved by the Superintendent or designee in compliance with this policy.

Parents and legal guardians of all students scheduled to participate in Healthful Living Education shall be given an opportunity (1) to review the objectives and materials of the program before students participate and (2) to provide or withhold consent to the students’ participation in any portion of the program related to reproductive health and safety.

Contraceptives shall not be made available or distributed on school property. Board of Education employees shall not provide information to students about where to obtain contraceptives or abortion referral services, unless consent is given by the parent or guardian to provide such information.

OR

This is an optional statement as suggested by the high school nurse & Karen Tynch. Eva D. has reviewed and concurred. We will need to select 1 of the options.

Contraceptives shall not be made available or distributed on school property. If a student requests information regarding contraceptives, the Board of educaiton employee may direct them to their physician and/or the health department, but shall not provide further information without parental consent.

**Implementation**

The Superintendent or designee will ensure district-wide compliance with this policy. In each school, the principal or designee will ensure compliance with this policy and will report on the school’s compliance to the Superintendent or designee. The Superintendent or designee, in collaboration with the School Health Advisory Council, shall annually make a public report to the Board on the implementation of this policy in the Edenton-Chowan Schools and shall prepare any other required reports.

LEGAL REF: Public Law-111-296; N.C. Gen. Stat. § 115C-263 et seq.; N.C. Gen. Stat. § 115C-81(e1); 42 U.S.C. § 1751 et seq.; NCSBE Policy Manual GCS-S-000, TCS-S-000

ADOPTED:

REVISED:

**6520**

**Vending Machines**

No contract for vending services may be entered without approval of the Board of Education. All vended items served to students must meet applicable health and wellness criteria as defined by current federal and state law and the North Carolina Eat Smart Nutrition Standards.

**Vending Machines in Cafeterias**

Snack and beverage machines may be installed in middle and high school cafeterias under the direction of the Child Nutrition Department. The proceeds from cafeteria vending machines are Child Nutrition revenue. Cafeteria vending machines may be left on at all times, although access may be restricted according to school rules.

**Non-Cafeteria Vending Machines**

Non-cafeteria vending machines are under the management of the school principal, and proceeds from those machines will become a part of the individual school general funds and may be expended for the general benefit of the school. Funds generated from vending machines can not be used to purchase gifts, flowers, bonus or cash awards, etc. for any individual.

Vending machines may be installed at the middle and high schools for student use, provided that the contents meet the requirements established by the National School Lunch Program, state law, and the North Carolina Eat Smart Nutrition Standards. Machines must be turned off from 12:01 a.m. until the end of the last designated lunch period.

Authorization from the Superintendent or designee is required prior to installing vending machines for student use and as to the contents of those machines.

Vending machines may be installed in elementary schools for adult use only.

Vending machines are authorized in teacher’s lounges and sales are not restricted as indicated above for machines available to students. Students shall not have access to or be able to view vending machines in teacher’s lounges.

LEGAL REF: N.C.G.S. § 115C-264.2

ADOPTED: